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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,387	03/31/2004	Mihai Florin Ionescu	24207-10091	5527

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EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/814,387	Applicant(s) IONESCU ET AL.	
	Examiner Cindy Nguyen	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to application filed on 03/31/04 in which claims 1-30 are presented for examination.

Information Disclosure Statement

The information disclosure statement filed on 10/14/04 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Because it has been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 4, 5, 10 and 11, 13-25, 27 and 30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims 1, 4, 5, 10, 11 and 27 are not statutory, directed to software, per se, lacking storage on a medium, which enable any underlying functionality to occur. The steps are not used to produce the useful and tangible result, whether their execution accomplishes a practical application.

Regarding claim 13-25, a computer-readable medium carrying one or more sequences of Instructions for executing transactions is recited in the claim. "Computer-readable medium" as defined in the specification (0013) may transmit or carry instructions to a computer, including a router, private or public network, or other transmission device or channel both wired

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and wireless. A signal encoded with functional descriptive material does not fall within any of the categories of patentable subject matter. Therefore, claims 13-25 are not statutory (As set forth in § 101, a claimed signal is clearly not a process under § 101 because it is not a series of steps. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result, and does not fit within the definition of a machine. A claimed signal is not matter, but a form or energy, and therefore is not a composition of matter or product).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 10, 11-17, 22- 25, 27 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Peng et al. (US 20050114487) (hereafter Peng).

Regarding claims 1, 13 and 27, Peng discloses: a method, a computer readable medium containing program code and a system comprising: determining an event schema for an application (as the namespace URI identifies an XML schema definition (XSD) language document which defines the structure and semantic of the event type generated by the

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corresponding event generator, paragraphs 0022-0024, Peng); and determining event data (event source) for an event, based at least in part on the event schema, wherein the event relates to user interactions with an article (event source) associated with the application (paragraphs 0024, 0025, Peng).

Regarding claims 2, 14 and 28, all the limitations of these claims have been noted in the rejection of claims 1, 13 and 27 above, respectively. In addition, Peng discloses further comprising transferring the event data to a search application (0025, Peng).

Regarding claims 3, 15 and 29, all the limitations of these claims have been noted in the rejection of claims 1, 13 and 27 above, respectively. In addition, Peng discloses further comprising storing the event data in a searchable database (0023, Peng), wherein the events and articles associated with the application are searchable by a search application (0025, 0026, Peng).

Regarding claims 4, 16 and 30, all the limitations of these claims have been noted in the rejection of claims 1, 13 and 27 above, respectively. In addition, Peng discloses wherein determining the event schema comprises one of either receiving, creating, or providing the event schema (receive notice, add new event source, paragraph 0025, Peng).

Regarding claims 5 and 17, all the limitations of these claims have been noted in the rejection of claims 1 and 13 above, respectively. In addition, Peng discloses wherein determining the event schema comprises accessing a registered event schema (0024, Peng).

Regarding claims 10 and 22, all the limitations of these claims have been noted in the rejection of claims 1 and 13 above, respectively. In addition, Peng discloses: wherein the event relates to a current user state associated with the application (0025, Peng).

Regarding claims 11 and 23, all the limitations of these claims have been noted in the rejection of claims 1 and 13 above, respectively. In addition, Peng discloses: wherein determining an event schema comprises registering a new event schema (0025, Peng).

Regarding claims 12, 24 and 25, all the limitations of these claims have been noted in the rejection of claims 1 and 13 above, respectively. In addition, Peng discloses: wherein the event data is transferred using one or a combination of the following information exchange mechanisms: Extensible Markup Language-Remote Procedure Calling Protocol (XML/RPC), Hypertext Transfer Protocol (HTTP), Simple Object Access Protocol (SOAP), Shared memory, sockets, local or remote procedure calling (0022, 0034, Peng).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9, 18-21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng et al. (US 20050114487) (hereafter Peng) in view of Cotton et al. (US 7016919) (hereafter Cotton).

Regarding claims 6 and 18, all the limitations of these claims have been noted in the rejection of claims 5 and 17 above, respectively. However, Peng didn't disclose: wherein the registered event schema comprises an event schema indicating information to be captured for a designated application or class of applications on a client device. On the other hand, Cotton discloses: wherein the registered event schema comprises an event schema indicating information to be captured for a designated application or class of applications on a client device (col. 3, lines 62 to col. 4, lines 59, Cotton). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the wherein the registered event schema comprises an event schema indicating information to be captured for a designated application or class of applications on a client device in the system of Peng as taught by Cotton. The motivation being to enable the system provides an application adapted to run within an enterprise wide web-based framework include a schema requiring predefined types of meta-data to be marked up with new data to be submitted to the framework and generating an event each time new data is submitted and generating new versions of the data are entered into the application, thereby creating a history of all events that have occurred with regard to the data (col. 4, lines 30-59, Cotton).

Regarding claims 7 and 19, all the limitations of these claims have been noted in the rejection of claims 5 and 17 above, respectively. In addition, Peng/Cotton discloses: wherein the registered event schema is an extension of another registered event schema (col. 4, lines 37-55, Cotton). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include t the registered event schema is an extension of

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another registered event schema in the system of Peng as taught by Cotton. The motivation being to enable the system provides an application adapted to run within an enterprise wide web-based framework include a schema requiring predefined types of meta-data to be marked up with new data to be submitted to the framework and generating an event each time new data is submitted and generating new versions of the data are entered into the application, thereby creating a history of all events that have occurred with regard to the data (col. 4, lines 30-59, Cotton).

Regarding claims 8 and 20, all the limitations of these claims have been noted in the rejection of claims 5 and 17 above, respectively. In addition, Peng/Cotton discloses: wherein the registered event schema has different versions (col. 6, lines 30-37, Cotton). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the registered event schema has different versions in the system of Peng as taught by Cotton. The motivation being to enable the method to generate an event each time new data is submitted and generating new versions of the data are entered into the application, thereby creating a history of all events that have occurred with regard to the data (col. 4, lines 30-59, Cotton).

Regarding claims 9 and 21, all the limitations of these claims have been noted in the rejection of claims 5 and 17 above, respectively. In addition, Peng/Cotton discloses: wherein the registered event schema is an extension of a predefined base event schema provided by a search application (col. 6, lines 30-37, Cotton). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the registered event

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schema is an extension of a predefined base event schema provided by a search application in the system of Peng as taught by Cotton. The motivation being to enable the method to generate an event each time new data is submitted and generating new versions of the data are entered into the application, thereby creating a history of all events that have occurred with regard to the data (col. 4, lines 30-59, Cotton).

Regarding claim 26, all the limitations of this claim have been noted in the rejection of claims 1-3 and 5 above, respectively. In addition, Peng/Cotton discloses: determining a new event (0025, 0026, Peng); wherein registering the event schema comprise indexing and storing the event schema (col. 4, lines 30-59; col. 14, lines 47-64, Cotton). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include wherein registering the event schema comprise indexing and storing the event schema in the system of Peng as taught by Cotton. The motivation being to enable the method to generate an event each time new data is submitted and generating new versions of the data are entered into the application, thereby creating a history(index) of all events that have occurred with regard to the data (col. 4, lines 30-59, Cotton).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gaffin Jeffrey can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen
August 4, 2006